

**AN ORDINANCE ESTABLISHING A
PLANNING AND ZONING COMMISSION FOR
THE CITY OF DIAMONDHEAD, MISSISSIPPI**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
DIAMONDHEAD, MISSISSIPPI, as follows:

**Section One
Creation**

There is hereby created and constituted the Planning and Zoning Commission for the City
of Diamondhead, Mississippi.

**Section Two
Membership**

The Planning and Zoning Commission shall consist of seven (7) members who shall be
appointed by the Mayor and City Council. The Mayor and Member of the City Council shall
each have one (1) individual nominee(s) to the Commission and jointly shall appoint one
additional nominee. The Manager of Coast Electric or designated representative, The General
Manager of the Diamondhead Water and Sewer District or designated representative, and The
Fire Chief of the Diamondhead Fire Department or designated representative shall be non-voting
Ex Officio members of the Commission.

**Section Three
Term of office**

The term of office of seven (7) members of the Planning and Zoning Commission shall
be three (3) years. As the City of Diamondhead is a newly-incorporated municipality, all seven
(7) members' offices shall commence immediately upon passage of this Ordinance. The seven
(7) members will have staggered appointments, with two (2) members' terms of office ending on

March 1, 2013; two (2) members' terms of office ending on March 1, 2014; and three (3) members' terms of office ending on March 1, 2015. Thereafter, all terms of office will be three (3) years. At those times, the Mayor and City Council shall again appoint members to those vacant positions. In the event any member of the Planning and Zoning Commission is not timely replaced by the Mayor and City Council, he or she shall serve beyond his or her term until a successor is appointed by the Mayor and City Council. No member of the Commission shall serve for more than 2 successive terms, not to exceed six years.

Section Four Removal from office

Any member of the Planning and Zoning Commission may be removed from office at any time, with or without cause, by the Mayor and City Council. Any Planning and Zoning Commission member who misses more than three (3) consecutive meetings may be removed by the Mayor and City Council and a successor shall be appointed immediately.

Section Five Chairperson

The members of the Planning and Zoning Commission shall annually elect one of its members as chairperson. The chairperson shall preside over all meetings.

Section Six Meetings

The Planning and Zoning Commission shall meet at least once each month. The time and place for the meetings shall be set by resolution of the Planning and Zoning Commission. If it becomes necessary to hold additional meetings, the Planning and Zoning Commission shall set

additional meetings by resolution at a regularly scheduled meeting. Special meetings may be called on 24-hour actual notice to all members of the Planning and Zoning Commission by either the chairperson or any two members of the Planning and Zoning Commission. All meetings shall be open to the public, unless lawfully closed pursuant to the Open Meetings Act, Miss. Code Ann. § 25-41-1 et seq.

Section Seven Compensation

The members of the Planning and Zoning Commission shall receive no compensation for serving as a member of the Commission.

Section Eight Duties and powers

(a) The Planning and Zoning Commission shall act as an advisory board to the Mayor and City Council, and shall have all of the powers and duties set out by ordinance or statute. In addition, the Planning and Zoning Commission shall perform the following duties:

- (1) Receive all petitions for rezoning filed with the Mayor and City Council and referred to the Planning and Zoning Commission, and conduct public hearings on objections to such petitions in the form and manner provided by law, provided, such notice is as required by law and ordinance.
- (2) Receive all subdivision plats, preliminary or final, as may be referred to the Planning and Zoning Commission, and conduct hearings, studies, investigations and examinations on such plats, and report their findings and recommendations to the Mayor and City Council.
- (3) Recommend changes, amendments and modifications under the zoning ordinance and advise the Mayor and City Council of such recommendations.

- (4) Act on all requests for variances, exceptions or deviations from the zoning ordinance, and conduct such public hearings as may be deemed appropriate concerning such requests, and report such findings and recommendations to the Mayor and City Council.
- (5) Maintain a current and updated map of the city, with depictions on such map of the manner in which all property within the city is currently zoned.
- (6) Advise the Mayor and City Council on all matters concerning or affecting land use within the city.
- (7) Initiate action for the purpose of rezoning property if in the judgment of the Planning and Zoning Commission members, such action is deemed to be in the public interest.
- (8) Have such powers and authority as is necessary and appropriate in the discharge of the duties and responsibilities set forth in this subsection.

(b) The Planning and Zoning Commission shall act as an advisory board to the Mayor and City Council in all matters, and shall have all powers and duties as set out by the ordinance and statute establishing a Planning and Zoning Commission, in addition to all present duties and functions.

Section Nine

Effective Date

Because the City of Diamondhead is a newly-incorporated municipality in urgent need of a method by which land use matters may be addressed, immediate passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007). Thus, this Ordinance is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote of all members of the City Council. In accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective

immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

	Aye	Nay
Mayor Ingraham	<u>✓</u>	_____
Councilmember Ackerman	<u>✓</u>	_____
Councilmember Holcomb	<u>✓</u>	_____
Councilmember Knobloch	<u>✓</u>	_____
Councilmember Rech	<u>✓</u>	_____
Councilmember Roberson	<u>✓</u>	_____

ATTEST *Dore W. Kosfer*
CITY CLERK

APPROVED: *Charles H. Ingram*
MAYOR

SEAL

THIS IS TO CERTIFY that the aforementioned Ordinance was adopted at the regular meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on March 5, 2012, and duly recorded in Minute Book _____ Page _____ thereof.

Dore W. Kosfer
CITY CLERK

Signed _____